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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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गृह मंत्रालय
अधिसूचना

नई दिल्ली, 17 मई, 1994

का. आ. 377(अ):— केन्द्रीय सरकार ने विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पीपुल्स लिबरेशन आर्मी (पूर्वी क्षेत्र), पीपुल्स रिबोल्यूशनरी पार्टी आफ कंगलीपक और उसकी "रेड आर्मी" पीपुल्स रिबोल्यूशनरी पार्टी आफ कंगलीपक के उपदलों जैसे कंगलीपक कम्युनिस्ट पार्टी और उसके सशस्त्र विंग जिसे 'रेड आर्मी' भी कहा गया है और उनके द्वारा स्थापित अन्य निकायों और यूनाइटेड लिबरेशन फ्रंट को भी, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. 818(अ) तारीख 26 अक्टूबर 1993, द्वारा विधिविरुद्ध संगम घोषित किया था।

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. 85(अ) तारीख 22 नवम्बर, 1993 द्वारा विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण का गठन किया था

जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री एस. सी. जैन थे ;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना को 23 नवम्बर 1993 को इस बात के न्यायनिर्णयन के प्रयोजन के लिए उक्त अधिकरण को निर्दिष्ट किया था कि क्या उक्त संगम को विधिविरुद्ध घोषित करने के लिए पर्याप्त कारण था अथवा नहीं ;

और उक्त अधिकरण ने उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार द्वारा अधिसूचना सं. का. आ. 818(अ) तारीख 26 अक्टूबर 1993 द्वारा की गई घोषणा की पुष्टि करते हुए तारीख 19 अप्रैल 1994 को एक आदेश किया था ;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 4 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त आदेश प्रकाशित करती है।
(आदेश अंग्रेजी में छपा है)

[सं. 8/23/93 एन ई -I]

बी. एन. भा, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 17th May, 1994

S.O. 377(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared the People's Liberation Army (Eastern Region), the People's Revolutionary Party of Kangleipak and its 'Red Army' as also the offshoots of the People's Revolutionary Party of Kangleipak like the Kangleipak Communist Party and its armed wing also called the 'Red Army' and the other bodies set up by them and the United National Liberation Front to be unlawful associations vide notification of the Government of India in the Ministry of Home Affairs, S.O. No. 818(E), dated the 26th October, 1993;

And, whereas the Central Government in exercise of the powers conferred by Sub-Section (1) of Section 5 of the said Act, constituted the Unlawful Activities (Prevention) Tribunal consisting of Shri Justice S. C. Jain, Judge of Delhi High Court, Delhi vide notification of the Government of India in the Ministry of Home Affairs, S.O. No. 885(E), dated the 22nd November, 1993,

And, whereas, the Central Government, in exercise of the powers conferred by sub-section (1) of Section 4 of the said Act, referred the said notification to the said Tribunal on the 23rd November, 1993, for the purpose of adjudicating whether or not there was sufficient cause for declaring the said associations as unlawful;

And, whereas, the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an order on the 19th April, 1994 confirming the declaration made by the Central Government vide Notification S.O. No. 818(E), dated the 26th October, 1993.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 4 of the said Act the Central Government hereby publishes the said order, namely:—

ORDER

By Notification published on October 26, 1993 in the Gazette of India, Extraordinary, the Central Government in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter called "the Act") declared the People's Liberation Army (Eastern Region), People's Revolutionary Party of Kangleipak and its Red Army as also offshoots of PREPAK like the Kangleipak Communist Party and its armed wing also called the Red Army and other bodies set up by them and the United National Liberation Front to be the unlawful associations.

The aforesaid organisations have been declared unlawful association on the grounds, as under :—

- (i) that the said organisations have openly declared as their objective the formation of an independent Manipur comprising the State of Manipur and have resorted to violent activities in pursuance of their objective to bring about secession of the said State from the 'Union of India'
- (ii) that the organisations have been employing armed forces, namely, the so-called People's Liberation Army, the Red Army, their members and the other bodies set up by them, to achieve their aforesaid objective;
- (iii) that they have in furtherance of their aforesaid objective been employing the said armed forces and members in attacking the Security Forces and the Civil Government and the citizens in the State of Manipur, and indulging in acts of looting and intimidation against the civilian population for collection of funds for their organisations;
- (iv) that they have made some efforts to resume their contacts with foreign countries for securing assistance by way of arms and training for the purpose of achieving their aforesaid objective.

By Notification No. S.O. 885(E), dated, the 22nd November, 1993, the Government of India, in the Ministry of Home Affairs, in exercise of the powers conferred by Section 5(1) of the Act constituted this Tribunal for adjudication that whether or not there was sufficient ground for declaration of the Meitei Extremist Organisations as unlawful associations and under the provisions of Section 4(1) of the Act made the reference to this Tribunal.

This Tribunal by order dated 30-11-1993 in pursuance of the provisions of Section 4(2) of the Act and issued notice to the aforesaid organisations to show cause in writing within thirty days from the date of receipt of notice, as to why the said organisations should not be declared unlawful. The Tribunal is satisfied from the material placed on record that the notice has been duly served on the said organisations by various modes as prescribed under Rule 6 of the Unlawful Activities (Prevention) Rules, 1968. No person or on behalf of the said organisations has made appearance, nor any cause has been shown in response to the notice.

Mr. A. K. Wali, Advocate, appeared for the Government of India and Mr. A. R. Barthakur, Senior Advocate assisted by Mr. P. Barthakur, Advocate, appeared for the Government of Manipur.

The Central Government has filed affidavit of Mr. D. S. Poonia, Director (NE), Ministry of Home Affairs, Government of India (Ext. IV) stating the grounds and reasons on consideration of which the Central Government issued the Notification dated 26th October, 1993, declaring the said organisations as unlawful associations. The Government of Manipur has filed affidavit of Mr. Mohindro Singh, Joint Secretary to the Government of Manipur in the Home Department, in support of the grounds and reasons for which the Central Government has issued the aforesaid Notification. Exhibit A-1 is the affidavit filed by the Government of Manipur. The aforesaid two affidavits supplement the other material furnished with the resume.

On consideration of the notification, the resume and the affidavits of the Central Government and the Government of Manipur, the following issue was framed :—

Whether on the basis of the material on records there was sufficient cause for declaring the People's Liberation Army (Eastern Region); People's Revolutionary Party of Kangleipak and its Red Army as also the offshoots of PREPAK like the Kangleipak Communist Party and its armed wing also called the Red Army and other bodies set up by them and the United National Liberation Front as unlawful associations vide Notification dated 26th October, 1993 issued in the Gazette of India, Extraordinary of the same date?

On 11th April, 1994, Mr. Mohindro Singh, Joint Secretary, Home Affairs, State of Manipur;

Mr. C. Peter, DIG (Administration), State of Manipur and Mr. D. S. Poonia, Director (NE), Ministry of Home Affairs, Government of India, were examined. These witnesses also produced a number of documents which were marked as Exhibits P-1 to P-3; I(a) and I(b); II(a) to II(d) and III(a) to III(g).

It may be expedient at this stage to refer briefly to the history of the organisations in question, their aims and objectives and also the notifications under Section 3(1) of the Act made in the past from time to time declaring these organisations as unlawful. It is not necessary for the present enquiry to go into the history of the Meitei Extremist Movement dating back to the year 1966. To know the aims and objectives of these organisations and their past activities it will be sufficient to relate back to the year 1979 when by notification dated 26-10-1979, two of these organisations viz., People's Liberation Army (P.L.A.) and People's Revolutionary Party of Kangleipak (PREPAK) were declared unlawful by the Central Government. The grounds on which they were declared unlawful were that these organisations had openly declared as their objective the formation of an independent Manipur comprising the State of Manipur and have resorted to violent activities in pursuance of their objective and bring about secession of the said State from the Union of India.

(ii) had been employing armed forces, namely, the so-called People's Liberation Army and the Red Army and the other bodies set up by them, to achieve their aforesaid objective, (iii) had, in furtherance of their aforesaid objective been employing the said armed forces in attacking the Security Forces and the Civil Government and the citizens in the State of Manipur, and indulging in acts of looting intimidation against the civilian population and collection of funds for other organisations, and (iv) had, to achieve their aforesaid objective, maintained contacts with foreign countries through their organisations with a view to securing financial assistance and assistance by way of arms and training and had secured such assistance. For these reasons the Central Government being of the opinion that these organisations were unlawful declared them to be unlawful under sub-section (1) of Section 3 of the Act by the aforesaid notification. This notification was referred to the Tribunal as contemplated by Section 4 of the Act. The Tribunal, on consideration of the various materials before it, by its order dated 29-3-1980 confirmed the declaration made by the Government in the aforesaid notification. In its order the Tribunal observed as under:—

"On perusal of these documentary evidence, I have no manner of doubt that there are enough materials at the disposal of the Central Government to hold that the open and declared objective of "the Meitei Extremist Organisations" are to form an independent Manipur and they resorted to violent activities in pursuance of their objective and to bring about secession of the said State from the Union of India. It is also evident from the evidence adduced and mainly the documentary evidence that the association have been employing armed forces named and styled by them as People's Liberation Army, the Red Army and some other bodies set up by them to achieve their objectives. I have no hesitation in holding, on perusal of the documents, that "the Meitei Extremist Organisations" have and are employing armed forces named above in order to achieve their aforesaid objectives."

The Tribunal further found that these organisations in furtherance of their aforesaid objective had employed their armed forces in attacking security forces, Civil Government and citizens at the State of Manipur and indulged in acts of looting and intimidation of the civilian population and had also been collecting funds for their organisations. The Tribunal also observed that these organisations continued to maintain contacts with foreign countries with a view to secure financial assistance and assistance by way of arms and training and had in fact secured such assistance. In the light of these findings, the Notification declaring these organisations as unlawful was confirmed by the Tribunal.

As the period of operation of Notification made under Section 3(1) of the Act was two years from the date on which it became effective, the Notification dated 26-10-1979 was to expire on 26-10-1981. On that date the Central Government made a fresh Notification under Section 3(1) of the Act declaring these two organisations, namely, PLA and PREPAK as unlawful. This Notification was also referred to the Tribunal which confirmed the same by its order dated 25-3-1982. Fresh Notification was again made on the expiry of two years on 26-10-1983 declaring these two very organisations as unlawful. This too was confirmed by the Tribunal by its order dated 14-4-84. The Central Government again declared these organisations as unlawful by a fresh notification dated 26-10-85. This notification was also confirmed by the appropriate Tribunal on 24-4-86 on the expiry of the terms of aforesaid Notification. Another Notification was made on 26-10-1987 under Section 3(1) of the Act. By this Notification, in addition to the two organisations which were declared unlawful from time to time since 1979, namely, People's Liberation Army (PLA) and People's Revolutionary Party of Kangleipak (PREPAK), one more organisation, namely, United National Liberation Front (UNLF) was also declared unlawful. The reasons for the declaration were more or less the same as specified in the earlier Notifications. This notification was also referred to the Tribunal. The Tribunal, in addition to the material produced before it, also considered the history of all these three organisations, in regard to the aims and objectives of the earlier two organisations, namely, PLA and PREPAK. It referred to the various documents and also the findings of the earlier Tribunals. In

regard to United National Liberation Front (UNLF), which had for the first time been declared unlawful by the aforesaid notification dated 26-10-1987, it observed that this organisation had become very active in the pursuit of its avowed object, among others, to achieve an independent Manipur after secession from the Union of India through armed revolution. From the material on record the Tribunal further found that in course of time it had transformed itself into a militant organisation with an avowed object to achieve an independent Manipur. Considering the material on record and the evidence of the witnesses, the Tribunal confirmed the Notification dated 26-10-1987 declaring all the three organisations, namely, PLA, PREPAK and UNLF as unlawful. Further notification issued on 26-10-1989 declaring these three organisations as unlawful was again confirmed by the Tribunal by order dated 16-5-1990. It was held that on a careful consideration of the documents produced before it, it was clear to it that these organisations, namely, People's Liberation Army (Eastern Region) (PLA), People's Revolutionary Party of Kangleipak (PREPAK) and Red Army and its offshoots and United National Liberation Front (UNLF) had continued to pursue their aims and objectives to secede from the Union of India by unlawful armed activities, such as killing innocent people including the security forces, committing robberies and decoities, looting individuals, banks, business houses and Government treasuries, forcible collection of funds besides contacts with similar elements foreign countries like Bangladesh, Burma and China to procure arms and ammunition and training for their members and that in view of these activities there was sufficient cause for the Central Government to declare these organisations as unlawful by notification dated 26-10-1989.

The aforesaid notification was confirmed by the Tribunal on 16-5-1990. On the expiry of the aforesaid notification of 1989, the Central Government made a fresh notification on 26-10-1991 under Section 3(1) of the Act again declaring the aforesaid three organisations as unlawful. This notification was also confirmed by the appropriate Tribunal by its order dated 25-4-1992.

On the expiry of the notification of 26th October, 1991, the Central Government made the notification under reference dated 26th October, 1993 again declaring these three organisations as unlawful. It is this notification which has been referred to this Tribunal for adjudicating whether or not there was sufficient cause for declaring these associations as unlawful.

I shall now examine the relevant material placed before me by the Central Government and the Government of Manipur in support of the notification under reference in the light of the legal provisions; and the history of these organisations, their aims and objectives, their past activities, and the findings of the Tribunals constituted from time to time which have been already stated above.

The reasons for this fresh notification as set out therein are that the organisations (1) have openly declared as their objective the formation of an independent Manipur comprising the State of Manipur and have resorted to violent activities in pursuance of their objective to bring about secession of the said State from the Union of India; (2) have been employing armed forces to achieve their aforesaid objective; (3) have in furtherance of their aforesaid objective been employing the said armed and the Civil Government and the citizens in the State of Manipur and indulging in acts of looting and intimidation against the civilian population for collection of funds for their organisations; (4) have made some efforts to resume their contacts with foreign countries for securing assistance by way of arms and training for the purpose of achieving their aforesaid objective.

So far as the first ground is concerned it is clear from the foregoing discussion about the various notifications under Section 3(1) made ever since 1979 and the reports of the Tribunals thereon that these organisations with their objective of procuring secession of Manipur from the Union of India and for creation of independent Manipur with the assistance of the similar elements from the foreign countries had been over the years indulging in unlawful activities. There is nothing to indicate any change in the aims and objectives of any of these three organisations during the relevant period.

So far as the other grounds are concerned, as earlier indicated, the Central Government and State of Manipur have produced material and documents to show that there was sufficient cause for declaring the associations in question to be unlawful. I have carefully considered all such material including the affidavits filed on behalf of the Central Government and the State of Manipur. I have also considered the depositions of (i) Mr. D. S. Poonia, Director (NE), Ministry of Home Affairs, Government of India, New Delhi; (2) Mr. Mohendra Singh, Joint Secretary, Home Department, State of Manipur and (3) Mr. C. Peter, DIG (Admn.), State of Manipur.

I have perused all the material stated above. On careful consideration of the entire material and information made available to me, I am satisfied that the grounds stated in the notification do exist. Despite these organisations being declared illegal from time to time ever since 1979, they still continue to be as effective as they were in the past. There is no change in their aims and objectives which evidently are secessionist. They have been and are still active. They have been committing various crimes to achieve their secessionist goal. They also have their foreign contacts and are maintaining bases in neighbouring foreign countries for pro-

curing arms and getting training in guerilla warfare. Considering all these factors and the totality of the facts and circumstances set out above, I am satisfied that there was sufficient cause for declaring the three associations in question, namely, People's Liberation Army (Eastern Region) (PLA), People's Revolutionary Party of Kangleipak (PREPAK) and its 'Red Army' as also the offshoots of PREPAK like the Kangleipak Communist Party and its armed wing also called the 'Red Army' and the other bodies set up by them and the United National Liberation Front (UNLF) to be unlawful associations. Consequently, the declaration made by the Central Government in the Notification No. S.O. 818(E) dated, the 26th October, 1993 issued under Subrule (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 is hereby confirmed.

April 19th, 1994.

Sd./-

S. C. JAIN, Tribunal

[No. 8/23/93-NE-I]

B. N. JHA, Jt. Secy. (North East)